

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MICHELLE DOTSON, BRIDGETTE
LOTT AND REGINALD STEPHENS
INDIVIDUALLY, RONALD DOTSON,
INDIVIDUALLY AND AS
REPRESENTATIVE OF THE ESTATE
OF JANICE DOTSON-STEPHENS,
DECEASED

Plaintiffs

V.

Cause No.:SA-19-CV-00083-XR

BEXAR COUNTY, BEXAR COUNTY
HOSPITAL DISTRICT d/b/a
UNIVERSITY HEALTH SYSTEM,
BEXAR COUNTY PRE-TRIAL
SERVICES, UNKNOWN, UNNAMED
OFFICERS/EMPLOYEES OF THE
BEXAR COUNTY SHERIFF'S OFFICE,
UNKNOWN, UNNAMED OFFICERS/
EMPLOYEES OF THE BEXAR COUNTY
HOSPITAL DISTRICT d/b/a
UNIVERSITY HEALTH SYSTEM,
UNKNOWN, UNNAMED OFFICERS/
EMPLOYEES OF THE BEXAR COUNTY
PRE-TRIAL SERVICES

Defendants

STIPULATION OF FACTS

Now come Plaintiffs and Defendants in the above reference case and file this Stipulation of Facts, and request that the Court read the following Stipulated Facts to the Jury and that this document be admitted into evidence.

STIPULATED FACTS:

1. Janice Dotson had a history of schizoaffective disorder.
2. For approximately 12-13 days before her arrest, Janice Dotson had been staying with her husband, Reginald Stephens, in his apartment but was not on the lease

3. On July 17, 2018 Reginald Stephens refused to let Janice Dotson into his apartment when she returned from a hospital visit.
4. On July 17, 2018, when Janice Dotson knocked on his door, Reginald Stephens called the San Antonio Police.
5. On July 17, 2018 Janice Dotson was arrested by the San Antonio Police Department and charged with criminal trespass on private property, a Class B misdemeanor.
6. On July 18, 2018 at 9:43 am, Janice Dotson was booked into the Bexar County Adult Detention Center (BCADC).
7. Janice Dotson's criminal history included two felony charges, which were dropped after she received court ordered inpatient treatment by the State psychiatric hospital system.
8. Janice Dotson was magistrates twice on the day of her arrest.
9. Pretrial Services is the division of the Bexar County Department of Criminal Justice that, among other responsibilities, interviews defendants to determine eligibility for personal recognizance bonds ("PR Bonds") and court-appointed counsel.
10. Bexar County Pretrial Services staff attempted to interview Janice Dotson to determine if she was eligible for a PR Bond on July 17, July 18 and July 19, 2018 and on each occasion, Janice Dotson refused to be interviewed.
11. Bexar County Pretrial Services staff attempted to interview Dotson-Stephens to determine if she was eligible for court-appointed counsel on July 19, July 27, July 28, July 29, July 30, and August 4, and on each occasion, Dotson-Stephens refused to be interviewed.
12. University Health System, through Detention Health Care Services (DHCS) provide medical, dental and mental health care services to all inmates in the BCAC, which is owned and operated by Bexar County and the Bexar County Sheriff's Office (BCSO).
13. On July 19, 2018 at 1:20 pm, as part of the intake process at BCADC, Janice Dotson underwent a medical and mental health screening conducted by DHCS. She refused respond to questions, including questions about her current medications, medical history and psychiatric history (including prior psychiatric hospitalizations)
14. Janice Dotson was identified as "medical non-process" and housed in the female infirmary in the Jail Annex, also referred to as OB or OB Infirmary for daily observation and monitoring. Janice Dotson remained in the OB Infirmary throughout the entire time she was detained in the BCADC.
15. Patients in the OB Infirmary are monitored by medical staff and there is a nurse assigned to the OB Infirmary 24 hours a day, seven days a week.

16. On July 18, 2018 at 1:05 pm, BCADC staff notified Magistrate Judge Andrew Carruthers by electronic mail, that there was cause to believe that Janice Dotson had a mental illness based on a Continuity of Care Query (CCQ).
17. CCQ is a system maintained by the Texas Health and Human Services Commission and is used to determine if an inmate has previously received state mental healthcare.
18. On July 19, 2018, DHCS referred Janice Dotson to the Chronic Care Clinic for evaluation of her previously diagnosed hypertension and to Mental Health for evaluation of her previously diagnosed schizophrenia.
19. On July 23, 2018, the Presiding Judge of the Bexar County Court at Law Number 4 held a bond hearing for Janice Dotson. Dotson waived the hearing and the judge set her bail at \$300.
20. On July 23, 2018, Dr. Cesar Garcia, a UMA provider who is under contract with UHS/DHCS to provide psychiatric services to inmates at the BCADC attempted to conduct a psychiatric evaluation on Janice Dotson, but she refused to participate.
21. On August 8, 2018, an attorney was appointed to represent Janice Dotson.
22. On August 8, 2018, DHCS Social Worker Wendy Dagenais called Janice Dotson's attorney and left a message suggesting that he request a mental competency evaluation.
23. On August 15, 2018, court staff informed Janice Dotson's attorney of a hearing in Jail Court set for August 17, 2018.
24. On August 17, 2018, Dotson refused to attend the Jail Court hearing.
25. On August 17, 2018, Dr. Garcia attempted to conduct a psychiatric evaluation of Janice Dotson, but she refused to participate.
26. On August 20, 2018, Dr. Garcia sent a letter to Magistrate Judge Carruthers informing him that Dotson-Stephens "may be unable to assist her attorney in the preparation of her defense due to mental illness and may require a competency evaluation" and suggested that Janice Dotson be evaluated for competency to stand trial.
27. On August 27, 2018, Magistrate Judge Carruthers held an informal inquiry to determine whether to grant Janice Dotson's attorney's request that she be evaluated for competency to stand trial.
28. At the August 27, 2018 hearing, Janice Dotson's attorney informed the Court that Dotson had refused to meet with him or to attend Jail Court.
29. At the conclusion of the August 27, 2018 hearing, the Court considered Dr. Garcia's letter and ordered a full competency evaluation.

30. On September 11, 2018, Dr. Brian Skop conducted a competency evaluation. Dr. Skop's report includes the following statements: "She did not seem to understand the nature of the examination and refused to proceed. Given her degree of deterioration, it is recommended that she be referred for inpatient treatment. Most individuals with schizoaffective disorder will respond to medication. It is expected she can be restored to competency in the foreseeable future. She does not appear to have a rational or factual understanding of the proceedings against her."
31. On October 2, 2018, Dr. Skop completed a formal report on his competency evaluation, which was forwarded to Judge Carruthers's court coordinator on the same day.
32. No one within the Bexar County District Attorney's Office nor within UHS had the right or ability to set a competency hearing with Judge Carruthers's court because the court manages its own docket.
33. The Court never scheduled a competency hearing for Janice Dotson.
34. In October, 2018, Plaintiff Michelle Dotson searched Bexar County's website and learned that her mother was in jail with a pending criminal charge.
35. On December 13, 2018, DHCS mental health provider Wendy Dagenais sent an e-mail to Sally Uncapher, the Assistant District Attorney assigned to Judge Carruthers's Court, explaining that, although Dotson had been evaluated for competency months before, no competency hearing had been scheduled, and that she had called the court several times and was told that no hearing was set.
36. After receiving Dagenais's December 13, 2018 e-mail, Uncapher then sent an e-mail to the court coordinator, asking her to check on the status of the case.
37. On December 14, 2018, shortly after 5:00 p.m., Janice Dotson was found unresponsive in her cell, and she died that evening.
38. An Autopsy was performed, and the Medical Examiner identified the cause of her death "as the result of atherosclerotic cardiovascular disease (an enlarged heart with narrowing of vessels). Contributing to death is schizoaffective disorder, atherosclerotic cardiovascular disease."

Respectfully submitted,

/s/ Leslie Sachanowicz

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